IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

MONDAY, THE 26TH NOVEMBER 2007 / 5TH AGRAHAYANA 1929

WP(C).No. 35996 of 2004(I)

PETITIONER:

T.DEVIDAS,
COIR BOARD SECRETARY (RETD.), MANGALAM KAROTH,
ELAMKULAM ROAD, COCHIN-682 017.

BY ADV. SRI.V.G.SANKARAN

RESPONDENTS:
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1. UNION OF INDIA,
REPRESENTED BY SECRETARY, MINISTRY OF PENSION AND PENSIONERS WELFARE, DEPARTMENT OF PENSION, LOKNAYAK BHAVAN, KHAN MANKIL, NEW DELHI-110 003.

2. COIR BOARD,
REPRSENTED BY SECRETARY COIR BOARD (MEMBER OF SMALL SCALE INDUSTRIES) AND AGRO AND RURAL INDUSTRIES, GOVERNMENT OF INDIA, M.G. ROAD, ERNAKULAM, KOCHI.

BY ADV. SRI. P. PARAMESWARAN NAIR -- ASSISTANT SG

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 26/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) NO: 35996/2004

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1. COPY OF THE NOTIFICATION NO. F. NO. 913/10/99 PCPW(A) SIGNED BY GAGA MURTHY.

EXT.P2. COPY OF THE APPLICATION DT. 24/4/99 FILED BY THE PETITIONER BEFORE THE R2.

EXT.P3. COPY OF THE COMMUNICATION DT. 22/2/00 OF THE OFFICER ON SPECIAL DUTY.

EXT.P4. COPY OF THE REPRESENTATION DT. 27/10/01 FROM THE PETITIONER TO THE R1.

EXT.P5. COPY OF THE ORDER DT. 20/5/04 SERVED ON THE PETITIONER.

RESPONDENT'S EXHIBITS **NIL.**

True copy

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KURIAN JOSEPH J.

Writ Petition (Civil) No.35996 of 2004

Dated 26th November, 2007.

J U D G M E N T

Petitioner is aggrieved since he is not granted the benefit of the 5th Pay Commission. The order passed by the second respondent is against the petitioner and that order is defended in the counter affidavit also to the effect that since the petitioner did not enjoy the scale as on the date of retirement, though held the post of Secretary, he will not get the benefit. Petitioner submits that he may be permitted to pursue his grievance before the first respondent. In the event of the petitioner approaching the first respondent within two months from today, the matter will be duly considered by the said respondent with notice to the petitioner and appropriate orders in accordance with law will be passed, within another four months.

The writ petition is disposed of as above.

KURIAN JOSEPH, JUDGE.

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